

Legal Department

Exelon Business Services Company
2301 Market Street/S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
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Business Services
Company

Direct Dial: 215.841.5358

February 1, 2010

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RECEIVED

FEB 1 2010

Re: **Louise Martin v. PECO Energy Company**
PUC Docket No. C-2010-2154833

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

—	Answer (Original and 3 copies)
—	Motion to Consolidate (original and 3 copies)
—	Motion for Judgment on the Pleadings (original and 3 copies)
<u>X</u>	Preliminary Objection (original and 3 copies)
—	Exceptions (original and 9 copies)
—	Reply Exceptions (original and 9 copies)
—	Brief (original and 9 copies)
—	Reply Brief (original and 9 copies)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. Thank you for your time and attention on this matter.

Very truly yours,



Ken Massey
Counsel for PECO Energy Company

KM/adz
Enc.

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 1 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LOUISE MARTIN

:
:
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:
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:
:

v.

DOCKET NO. C-2010-2154833

PECO ENERGY COMPANY

**PRELIMINARY OBJECTION OF PECO ENERGY COMPANY
FOR THE PENDENCY OF A PRIOR PROCEEDING**

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.101(a)(6) respectfully petitions this Honorable Commission to dismiss the instant Complaint due to the pendency of a prior proceeding.

1. On or around December 29, 2009, PECO Energy was served by a Complaint filed by Complainant with the Pennsylvania Public Utility Commission ("PUC") at Docket Number C-2010-2150797.

2. Complainant claims damages to her property resulting from utility-related work performed by her neighbor's contractor. A copy of the Complaint is attached as Exhibit 1.

3. Pursuant to 52 Pa. Code § 5.101(b), PECO timely filed an Answer to the Complaint on January 25, 2010. A copy is attached as Exhibit 2.

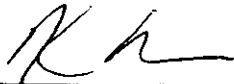
4. A hearing has not yet been scheduled for Docket Number C-2010-2150797.

5. On January 27, 2010, PECO was served with another Complaint from Complainant at Docket No. C-2010-2154833, asserting the same claims as those asserted in the Complaint at Docket Number C-2010-2150797. A copy of the new Complaint is attached as Exhibit 3.

7. PECO avers that the current Complaint (C-2010-2154833) should be dismissed to save the time, resources and the expense of the parties and the Commission.

WHEREFORE, PECO Energy Company respectfully requests that this Honorable Commission issue an Order dismissing the Complaint in Docket Number C-2010-2154833 because of the pendency of an identical proceeding.

Respectfully Submitted,



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-5358
Fax: 215.568.3389

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 1 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LOUISE MARTIN

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v.

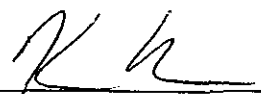
DOCKET NO. C-2010-2154833

PECO ENERGY COMPANY

VERIFICATION

I, Ken Massey, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: February 1, 2010



Ken Massey

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 1 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LOUISE MARTIN

:
:
:
:
:

v.

DOCKET NO. C-2010-2154833

PECO ENERGY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by mailing a copy thereof, properly addressed and postage prepaid to:

LOUISE MARTIN
5050 Walnut St.
Philadelphia, PA 19130

Dated at Philadelphia, Pennsylvania, February 1, 2010.



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-5358
Fax: 215.568.3389

RECEIVED

FEB 1 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print in ink or type.

DEC 29 2009

1. CUSTOMER (COMPLAINANT) INFORMATION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

C-2010-2150777

Name Louise MARTIN

Street/P.O. Box 5050 WALNUT STREET Apt # _____

City PHILADELPHIA State PA Zip 19139

County PHILADELPHIA

Daytime Telephone Number Where We Can Contact You: (215) 471-1582

E-mail Address (optional): _____

Utility Account Number 71862-00106
(from your bill)

COPY

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name Paul Hayward (Landlord)

Street/P.O. Box 5048 Walnut St

City Phila State PA Zip 19139

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO Contracted

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(e.g., taxi, moving company, limousine)

TELEPHONE

(local, long distance)

2010 JAN -1, AM 10:18
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

"Have pictures of the basement"

43912

43916

PECO ex. 1

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

Repair basement walls, floor
furniture also replace materials was
damage, rugs (such as sheet rock), paint and
repair floors (3) area rugs
date: July 23, 2009 - Time: early ^{in the} morning
where the Contractor dug the hole
for 5048 Walnut St, it stayed open for 2 1/2
to 3 months, large pieces of Cement
was there another week before they
removed the Cement and trash from
the front of the building. It rained for
then, PECO Contractor, came out
and ^{put} something looking like
(unattached) black tar, the hole was left
shut hole; the large hole, it was left like
that for 2 1/2 to 3 months when the
man was digging the hole, under
the ground, black tar was coming into

Louise Martin Phila, PA 19139
5050 Walnut St

"How do you want your Complaint to be resolved".

Repair basement walls, leather Couch has gray mold and black tar all over the (two) Couch, replace sheet rock, it has water damage and gray mold ~~all~~ over it (10 sheets) paint walls (Consist of four (4) rooms in the basement, water came up to heater, in front of the heater, the Cement floor is covered with gray mold and gray and brown spot. Boards, replace, it has gray mold and brown spots all over them. The Cement floors need to be broken up and Cemented again. Had Drain out in front of property open, was clogged with black soot like tar. Cleaned out toilet and sink that was running over with leaves and black tar, stopped sink and toilet up. Replace area rugs (5) was destroyed beyond repair. Replace large plastic containers (4) had gray mold and water inside the containers, which had Curtains and blankets inside.

July 23, 2009 - Wednesday, early in the morning FCO Contractor started breaking up the Cement in front of 5048 Walnut St. to install New electrical wiring.
over

(2)

while the Contractor was doing the electrical wiring, he disconnected my electric, I went out front and told him my electric was off, he had made a mistake, he put the new wiring in and cut my off, but connected it back.

After the Contractor had finished the wiring for 5048 Walnut St, he put a board over the hole, but it did not cover the hole, it rained a lot in that month. The water and black tar was coming in the front of my basement. The hole stayed open for $2\frac{1}{2}$ months (3) months total, the basement was ruined, and a terrible smell of mold was coming from the basement. Walls are damp and crumbling and has brown spots all over.

Closed up hole Sept. 2009.

Louise Martin Phila, PA 19139
5050 Walnut St

"Tried to speak to utility representatives"

Called PECO Customer Service, July 2009
spoke to Timmy, he said it was property
damage to my property, because
of digging a hole to install new
wiring for 5048 Walnut St - he said
he would call me back, but he did
not

Called Larrie Berner (PECO) July 2009
3 times spoke to her about the damage
to my property, after the third call
she did call me.

She sent Ron Sheppard out, he came
from PECO Exelon, he looked at the
damage, in the basement, he said
it was water damage coming from
the digging of 5048 Walnut St. They
did not cover up the hole, so water
and black tap was coming in the
front of the basement, Ron said the
bottom of my circuit breaker had
water damage at the bottom, starting
to rust.

After the 3rd attempt to Larrie Berner
July 2009, she did call and said it
was not PECO fault.

over

Called Paul Hayward, July 2009
Property owner, he came over and
looked at damage to the basement
he said some one in the house
was taking a shower, and the
water from the shower stopped
up the drain out front, never
heard from him anymore.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

- (PECO (Exelon) 215-932-0462 - didn't do anything about the property-damage. I tried to talk to Ron Sheppard

+ PECO, Larrie Benner, 215-731-3223. Cell 215-713. I called 3 times to Larrie, said it was not PE 7435-

- I called Paul Hayward Electrical Wiring & Co. 215-432-8517. Paul 5048 Walnut St. Fault and drainage accessing my property.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I Louise MARTIN, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Louise Martin
(Signature)

Dec 17, 2009
(Date)

Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Legal Department

Exelon Business Services Company
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Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
www.exeloncorp.com

**Business Services
Company**

Direct Dial: 215.841.6841

January 25, 2010

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RECEIVED

FEB 1 2010

**Re: Louise Martin v. PECO Energy Company
PUC Docket No. C-2010-2150797**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

<u> X </u>	Answer (Original and 3 copies)
<u> </u>	Motion to Consolidate (original and 3 copies)
<u> </u>	Motion for Judgment on the Pleadings (original and 3 copies)
<u> </u>	Preliminary Objection (original and 3 copies)
<u> </u>	Exceptions (original and 9 copies)
<u> </u>	Reply Exceptions (original and 9 copies)
<u> </u>	Brief (original and 9 copies)
<u> </u>	Reply Brief (original and 9 copies)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. Thank you for your time and attention on this matter.

Very truly yours,



Ken Massey
Counsel for PECO Energy Company

KM/adz
Enc.

Scheduling recommendation: CALL OF THE DOCKET X NON-CALL OF THE DOCKET

peco ex. 2

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUISE MARTIN :
 :
v. : **DOCKET NO. C-2010-2150797**
 :
PECO ENERGY COMPANY :

ANSWER OF RESPONDENT, PECO ENERGY COMPANY

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted in part; denied in part. PECO Energy denies that it provides waste water utility services.
4. Denied. PECO Energy denies that it is responsible for compensating Complainant for the actions and responsibilities of Complainant's neighbor. Complainant resides at 5050 Walnut Street in Philadelphia. The property owner of 5048 Walnut Street contacted PECO to initiate service in 2009. The service needed to be connected underground at a splice box. PECO and the property owner agreed that the property owner's contractor would dig and later fill the hole required for the underground connection that PECO would provide. Attached at PECO Exhibit 1 is PECO's internal work order stating that the customer was responsible for trenching and backfilling the hole in front of 5048 Walnut Street. PECO further responds that such an arrangement is lawful under its Electric Service Tariff, which is approved by the PUC.

On August 7, 2009 PECO connected the service at 5048 Walnut Street in the hole trenched by the property owner's contractor. Complainant called PECO on August 25, 2009 to complain that had not been backfilled and that water from the hole had seeped into her basement. Although it was not PECO's responsibility, as a customer service gesture PECO backfilled the trench at 5048 Walnut Street on August 27, 2009 and completed the pavement restoration on September 15, 2009. The reasons for PECO's actions have been explained to Complainant numerous times. PECO Energy denies that it acted improperly. In fact, PECO Energy performed more than it had originally bargained for with the owner of 5048 Walnut in order to provide good customer service to Complainant.

PECO Energy also responds that Complainant is not entitled to monetary damages as a matter of law because the Commission lacks authority to award monetary damages.¹

Complainant filed an informal complaint with the BCS on September 9, 2009 at case 2599569. The BCS issued a decision on October 14, 2009 dismissing the complaint for water damage. A copy of the BCS decision is attached as Exhibit 2.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

¹ See, e.g., *Feingold v. Bell of Penna.*, 477 Pa. 1, 8, 383 A.2d 791, 794 (1977) ("Thus, it can be concluded that the Legislature did not intend for the PUC to have such a power.").

NEW MATTER OF RESPONDENT, PECO ENERGY COMPANY

PECO Energy, pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

1. Complainant cannot receive monetary damages as a matter of law from the PUC. *See, e.g., Feingold v. Bell of Penna.*, 477 Pa. 1, 8, 383 A.2d 791, 794 (1977) (“Thus, it can be concluded that the Legislature did not intend for the PUC to have such a power.”).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
ken.massey@exeloncorp.com


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUISE MARTIN	:	
	:	
v.	:	DOCKET NO. C-2010-2150797
	:	
PECO ENERGY COMPANY	:	

VERIFICATION

I, Ken Massey, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: January 25, 2010



Ken Massey

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LOUISE MARTIN :
 :
v. : **DOCKET NO. C-2010-2150797**
 :
PECO ENERGY COMPANY :

CERTIFICATE OF SERVICE

I, Ken Massey, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Louise Martin
5050 Walnut Street
Philadelphia, PA 19139

Dated at Philadelphia, Pennsylvania, January 25, 2010.



Ken Massey
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
ken.massey@exeloncorp.com



January 15, 2010

BCS Decision Report

BCS Case #: 002599569 Open Date: 2009-09-29
Customer Name: LOUISE MARTIN
Service Address: 5050 WALNUT ST

PHILADELPHIA, PA 19139
BCS Bill Account #: 7186200106 Previous Case #:
Violation Type: NO Chapter Type:
Decision Type: O Section / Rule:
Investigator Name: BRANDON THOMAS

Decision Issued Date:
Case Closed Date: 2009-10-14

Letter Description:

Total Balance:	\$0.00	Balance Date:	
Amount to Restore Service:	\$0.00	Amount to Continue Service:	\$0.00
Date Payment Due:		Regular Budget Amount:	\$0.00
Special Budget Payment:	\$0.00	Final Bill Monthly Payment:	\$0.00
Plus Arrears Payment:	\$0.00	End of Month Payment:	\$0.00
Current Monthly Payment:	\$0.00		
Payment Terms:			

PAR Description:

Resolution Description:
VERBAL CLOSE...DISMISS COMPLAINT FOR WATER DAMAGE....CUST NOT SATISFIED AND REQUESTS A FCF.

prew ex. 2



Legal Department

Exelon Business Services Company
1301 Market Street/523-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
www.exeloncorp.com

**Business Services
Company**

Direct Dial: 215 841-5358

January 25, 2010

Louise Martin
5050 Walnut Street
Philadelphia, PA 19139

**Re: Louise Martin v. PECO Energy Company
PUC Docket No. C-2010-2150797**

Dear Mr. Martin:

Enclosed is a copy of PECO Energy Company's Answer to the complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This Answer is not a decision on your complaint. If there is a "Notice to Plead" attached to this Answer, you should review the Notice to Plead for information on how to respond to a New Matter (a paragraph at the end of the Answer) and/or Motion to Dismiss (a separate document after the Answer) that may have been included with the Answer. If there is not a New Matter or a Motion to Dismiss, you do not need to reply.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

If you have any questions or concerns at any time, please do not hesitate to contact me at the above listed number.

Very truly yours,

Ken Massey
Counsel for PECO Energy Company
Enc.

Rodriguez, Zulma Y.:(BSC)

From: eFile@state.pa.us
Sent: Wednesday, January 27, 2010 12:02 PM
To: Smith, Ward L.:(BSC)
Cc: Rodriguez, Zulma Y.:(BSC)
Subject: PA PUC eServe Notice
Importance: High

Dear Ward L. Smith,

A(n) **Formal Complaint** has been served in this proceeding. This document is docketed as **C-2010-2154833**.
You may view this document at
Formal Complaint - PECO ENERGY COMPANY-ELECTRIC

You are receiving this email because you are a(n) **Respondent** for this case and have agreed to be served electronically. By selecting electronic service (eService), you have agreed that this notification constitutes valid service. Electronic service of any and all documents will be in place of paper service.

Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*

1/27/2010

peco ex. 3

due: 2.16
target: 2.14
date: 2.12

10-0124

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED
2010 JAN-25 AM 9:26
PA P.U.C.
SECRETARY'S BUREAU

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Louise MARTIN

Street/P.O. Box 5050 Walnut St Apt # _____

City Philadelphia State PA Zip 19139

County Philadelphia

Daytime Telephone Number Where We Can Contact You: (675) 471-1582

E-mail Address (optional): _____

Utility Account Number 71862-00106
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name Paul Hayward

Street/P.O. Box 5048 Walnut St

City Philadelphia State PA Zip 19139

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO Contractors

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(e.g., taxi, moving company, limousine)

4. **COMPLAINT** (check one)

A. **In general, what is your complaint?**

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain). *see attached*

B. **State the facts of your complaint.**

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. **RELIEF** *see attached*

How do you want your complaint to be resolved? Use additional paper if you need more space.

6. **PROTECTION FROM ABUSE**

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. **PRIOR UTILITY CONTACT** *see attached*

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. **LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. **VERIFICATION AND SIGNATURE**

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:
I, Louise MARTIN, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Louise Martin
(Signature)

January 11, 2010
(Date)

Title of authorized employee or officer

10. **FILING**

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission, P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

(4) Complaint

What is your Complaint

Wednesday, July 23, 2009 - early in the morning F&CO Contractors started breaking up cement and digging a hole in front of 5048 Walnut Street, to install new electrical wiring. While F&CO's Contractor was doing the electrical wiring he disconnected my electric I went outside and told him my electric was off. He connected my electric back on

After the Contractor finished wiring next door, he put a small board over the hole, it did not cover the large hole. That month it rained a lot, with all that rain, it stopped up the outside drain with leaves, black tar and fine pieces of cement, started to seep into the front of my basement causing the water to damage my furniture, rugs, chairs, toilet and sink. A terrible smell was coming into the rest of the house, walls are damp and crumbling, the furniture has white looking mold over the front and back of the furniture, the sheet rock has mold all over and rotted, rugs has mold and mildew on them.

The hole stayed open 2½ to Three (3) months, after I ^{was} calling a lot they closed the hole up in September 2009

(5) Relief - How do you want your Complaint resolved.

Repair basement walls and cement floor. My leather couches (black) has gray looking mold and black tar all over the cushions and front of the couch. Replace sheet rock, had ten sheets, was water damage and gray mold all over them. Paint walls in basement (4) water came up to heater in basement, in front of the heater the cement floor is crumbling and have gray mold and brown spots. Replace boards, that was damage with water. The cement floors need to be re-cemented. Had outside drain opened, it was covered with leaves and black tar coming from next door. Toilet and sink had to be cleaned out.

Replace five (5) area rugs, was destroyed beyond repair, had mold and mildew on them.

Replace two (2) large containers, had water damage and mold inside and outside of the plastic containers. Also curtains and blankets inside the containers was ruined.

(7) Prion Utility Contact
Tried to speak to a utility representative

July 2009, Called FICO Custom Service spoke to Timmy, he said it was property damage, due to digging a hole to install new electrical wiring to 5048 Walnut Street. He said he would call me back and send someone out to check out the damage, but he did not.

July 2009. Called Larrie Benner. FICO Manager, I called her three (3) times, a week later she called. She sent Ron Sheppard out, he came from FICO Exelon, he looked at the basement, due to the new electrical wiring done to 5048 Walnut Street and FICO Contracted did not cover up the large hole, due to rain a lot of water started to seep into the front of the basement, causing damage to my circuit breaker, water has caused it to rust. However Ron Sheppard agreed it was FICO's responsibility. Called Larrie Benner again, she said it was not FICO fault.

Called Paul Hayward, owner of 5048 Walnut St he came out, took pictures, and saw how bad the damage was, this is what he said a person taking a shower in the house stopped the drain outside, causing the water to seep in the front of the basement causing water damage.

Took pictures of basement.

From: Origin ID: PSQA (215) 841-5353
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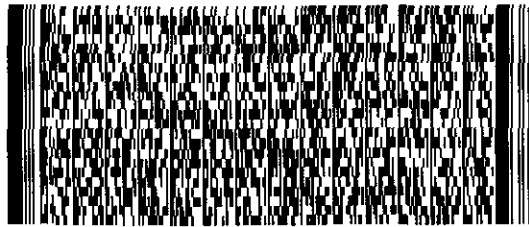
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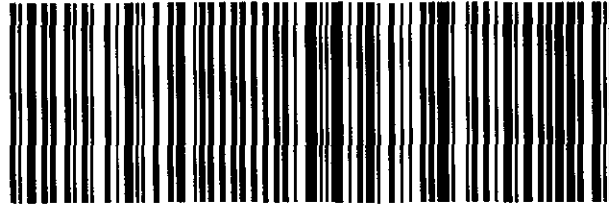


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